

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.233b Eligibility for parole; minimum term.

Sec. 33b. A person convicted and sentenced for the commission of any of the following crimes other than a prisoner subject to disciplinary time is not eligible for parole until the person has served the minimum term imposed by the court less an allowance for disciplinary credits as provided in section 33(5) of Act No. 118 of the Public Acts of 1893, being section 800.33 of the Michigan Compiled Laws, and is not eligible for special parole:

(a) Section 13 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, as amended, being section 750.13 of the Michigan Compiled Laws.

(b) Section 14 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.14 of the Michigan Compiled Laws.

(c) Section 72, 73, or 75 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.72, 750.73, or 750.75 of the Michigan Compiled Laws.

(d) Section 80, 82, 83, 84, 86, 87, 88, 89, or 90 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.80, 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, or 750.90 of the Michigan Compiled Laws, or under former section 85 of Act No. 328 of the Public Acts of 1931.

(e) Section 91 or 92 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.91 or 750.92 of the Michigan Compiled Laws.

(f) Section 110, 112, or 116 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.110, 750.112, or 750.116 of the Michigan Compiled Laws.

(g) Section 135, 136b(2), or 136b(3) of Act No. 328 of the Public Acts of 1931, as amended, being section 750.135 or 750.136b of the Michigan Compiled Laws, or under former section 136a of Act No. 328 of the Public Acts of 1931.

(h) Section 158 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.158 of the Michigan Compiled Laws.

(i) Section 160 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.160 of the Michigan Compiled Laws.

(j) Section 171 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.171 of the Michigan Compiled Laws.

(k) Section 196 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.196 of the Michigan Compiled Laws, or under former section 194 of Act No. 328 of the Public Acts of 1931.

(l) Section 204, 205, 206, 207, 208, 209, or 213 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.204, 750.205, 750.206, 750.207, 750.208, 750.209, or 750.213 of the Michigan Compiled Laws.

(m) Section 224, 226, or 227 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.224, 750.226, or 750.227 of the Michigan Compiled Laws.

(n) Section 316, 317, 319, 321, 322, 323, 327, 328, or 329 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.316, 750.317, 750.319, 750.321, 750.322, 750.323, 750.327, 750.328, or 750.329 of the Michigan Compiled Laws.

(o) Former section 333 of Act No. 328 of the Public Acts of 1931.

(p) Section 338, 338a, or 338b of Act No. 328 of the Public Acts of 1931, as amended, being section 750.338, 750.338a, or 750.338b of the Michigan Compiled Laws, or under former section 341 of Act No. 328 of the Public Acts of 1931.

(q) Section 349, 349a, or 350 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.349, 750.349a, or 750.350 of the Michigan Compiled Laws.

(r) Section 357 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.357 of the Michigan Compiled Laws.

(s) Section 386 or 392 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.386 or 750.392 of the Michigan Compiled Laws.

(t) Section 397 or 397a of Act No. 328 of the Public Acts of 1931, as amended, being section 750.397 or 750.397a of the Michigan Compiled Laws.

(u) Section 436 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.436 of the Michigan Compiled Laws.

(v) Section 511 or 517 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.511 or 750.517 of the Michigan Compiled Laws.

(w) Section 520b, 520c, 520d, or 520g of Act No. 328 of the Public Acts of 1931, as amended, being

section 750.520b, 750.520c, 750.520d, or 750.520g of the Michigan Compiled Laws.

(x) Section 529, 529a, 530, or 531 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.529, 750.529a, 750.530, or 750.531 of the Michigan Compiled Laws.

(y) Section 544 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.544 of the Michigan Compiled Laws, or under former section 545a of Act No. 328 of the Public Acts of 1931.

(z) Former section 2 of Act No. 38 of the Public Acts of the Extra Session of 1950.

(aa) Former section 6 of Act No. 117 of the Public Acts of 1952.

(bb) Section 1, 2, or 3 of Act No. 302 of the Public Acts of 1968, as amended, being section 752.541, 752.542, or 752.543 of the Michigan Compiled Laws.

(cc) Section 7401(2)(a), 7401(2)(b), 7402(2)(a), or 7402(2)(b) of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7401 or 333.7402 of the Michigan Compiled Laws.

History: Add. 1978, Initiated Law, Eff. Dec. 12, 1978;—Am. 1982, Act 458, Imd. Eff. Dec. 30, 1982;—Am. 1989, Act 252, Eff. Mar. 29, 1990;—Am. 1994, Act 199, Eff. Oct. 1, 1994;—Am. 1994, Act 217, Eff. Dec. 15, 1998.

Constitutionality: A mandatory sentence of life without parole does not violate the prohibition against cruel and unusual punishments of the Eighth Amendment to the United States Constitution, because the Eighth Amendment contains no proportionality guarantee. Neither does the Eighth Amendment prohibit the imposition of mandatory sentences -- “severe, mandatory penalties may be cruel, but they are not unusual in the constitutional sense ...” -- nor does it require consideration of individualized, mitigating circumstances beyond those cases in which a capital sentence is imposed. Harmelin v Michigan, 501 US 957; 111 S Ct 2680; 115 L Ed2d 836 (1991).

Compiler's note: Section 2 of 1994 PA 217, which provides that “This amendatory act shall take effect on the date that sentencing guidelines are enacted into law after the sentencing commission submits its report to the secretary of the senate and the clerk of the house of representatives pursuant to sections 31 to 34 of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, as added by the amendatory act resulting from House Bill No. 4782 of the 87th Legislature.” was repealed by 1998 PA 316, effective Dec. 15, 1998.

Popular name: Department of Corrections Act